

REMARKS/ARGUMENTS

Reexamination of the captioned application, and reconsideration of the rejections of the pending office action, are respectfully requested.

Claims 1-27 stand rejected under 35 USC §102(e) as being anticipated by US Patent 6,856,612 to Bjelland. All prior art rejections are respectfully traversed for at least the following reasons.

Applicants' independent claims involve negotiating capabilities between a unit in a first packet switched multimedia network (see the example of H.323 network 22) and a unit in a second packet switched multimedia network (see the example of SIP network 23) via an intermediate circuit switched network (see the example of PSTN/ISDN network 24). Applicants use existing in-band signaling of the circuit switched intermediate network in an extended way to carry any type of multimedia capability information between the two packet switched multimedia networks.

In the above regard, independent claim 1 requires:

a method of inband capability negotiation or signaling including logically mapping multimedia capabilities information to in band messages carried in a channel of an intermediate circuit switched network in order to establish a format for the passing of the multimedia information from the first network to the second network

See similar language in independent claim 6:

interface means enabling the first and second networks to apply an in band methodology including logically mapping multimedia capabilities information to in band messages carried on a channel of an intermediate circuit switched network in order to signal and/or negotiate the passing of multimedia information from the first network to the second network

As for independent apparatus claims 14 and 22, note the following emphasized language::

mapping said capabilities information into an inband signalling message for transport in a bearer channel within said circuit switched telecommunications network (claim 14)

means for mapping said capabilities information, at an interface between said first multimedia network and said circuit switched telecommunications network, into an inband signalling message for transport in a bearer channel within said circuit switched telecommunications network, .. (claim 22)

By contrast, Bjelland is concerned with the problem of negotiating capabilities between a unit in a first circuit switched network and a unit in a second circuit switched network via an intermediate packet switched network. As illustrated in Fig. 7, the only network in Bjelland that could correspond positionally to Applicants' intermediate network is Bjelland's IP backbone 700. In terms of position, Bjelland's intermediate network is IP backbone 700 connects the networks interfaced by gateway 770 on the one hand and the networks interfaced by gateway 780 on the other hand.

However, Bjelland's IP backbone 700 cannot legitimately be read as Applicants' claimed intermediate network. As previously stressed and commonly understood, an IP network is by nature a packet switched network, and therefore cannot be a circuit switched network.

Moreover, it is amply clear from the Bjelland disclosure that Bjelland's IP backbone 700 carries out-band signaling rather than in-band signaling. Bjelland may teach the use of inband signaling through telephony exchanges (see Abstract, last sentence) and circuit switched call legs. However, Bjelland misses the mark of Applicants' independent claims since Bjelland uses outband signaling in IP

backbone 700. Bjelland's use of outband signaling is amply evident throughout the Bjelland document, such as (for example), the Abstract ("out-of-band signaling in the IP network"); col. 6, lines 35+ ("outband signaling in the IP network"); and col. 6, lines 57+ ("outband H.245/SDP codec negotiation clone over the IP leg").

Applicants believe that the foregoing comments will serve for enlightenment and provide ample basis for withdrawing all rejections premised on Bjelland. However, if the Examiner persists in relying upon Bjelland, it is respectfully requested that the Examiner respond with particularly to the following specific questions in a next office action:

Questions for Examiner

(1) What structure in Bjelland does the Examiner consider to be the claimed intermediate network?

(2) Where in Bjelland is it said that the network identified in response to (1) is a circuit switched network and that it carries inband signaling?

(3) What networks in Bjelland does the alleged claimed intermediate network connect?

Applicants await the next communication, urging on the basis of comments herein presented and other considerations that it be a notice of allowance. Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Respectfully submitted,
NIXON & VANDERHYE P.C.

By: /H. Warren Burnam, Jr./
H. Warren Burnam, Jr.
Reg. No. 29,366

HWB:lsh
901 North Glebe Road, 11th Floor
Arlington, VA 22203
Telephone: (703) 816-4000
Facsimile: (703) 816-4100